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U.S. COURT OF APPEALS**

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FERNANDO LOPEZ-SANCHEZ,

Petitioner,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-74760

Agency No. A76-343-244

MEMORANDUM^{*}

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted February 13, 2006^{**}

Before: FERNANDEZ, RYMER, and BYBEE, Circuit Judges.

Fernando Lopez-Sanchez, a native and citizen of Mexico, petitions for review of the Board of Immigration Appeals' order summarily affirming an immigration judge's ("IJ") decision denying her application for asylum and

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

withholding of removal. We have jurisdiction pursuant to 8 U.S.C. § 1252(a)(1). We review for substantial evidence, *Nahrvani v. Gonzales*, 399 F.3d 1148, 1151 (9th Cir. 2005), and deny the petition for review.

Substantial evidence supports the IJ's determination that Lopez-Sanchez was not eligible for asylum or withholding of removal because the unspecified threats made against his family and his fellow ranch workers did not constitute persecution. *See id.* at 1153-54 (noting that threats, without more, generally do not rise to the level of persecution). Further, substantial evidence supports the IJ's conclusion that Lopez-Sanchez failed to establish a well-founded fear of future persecution because his father continued to work as the ranch foreman for several years after his departure, and his family has remained in Mexico without incident. *See Aruta v. INS*, 80 F.3d 1389, 1395 (9th Cir. 1996) (holding that petitioner's fear of persecution is undermined when similarly-situated family members continue to live in the country without incident).

The voluntary departure period was stayed, and that stay will expire upon issuance of the mandate. *See Desta v. Ashcroft*, 365 F.3d 741 (9th Cir. 2004).

PETITION FOR REVIEW DENIED